



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 23, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilman Paul C. Dotson
Councilman Xavier Garcia
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Councilman Dotson offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations: None.

4. Open Forum:

25 Deer Run

Frank Shonberger of 85 Deer Run referred to Agenda Item 10G and stated that the original plat shows a triangular parcel of land indicated as a playground that was City property. He said that someone purchased the property with two separate lots and is now requesting to enclose it with a fence.

Mr. Shonberger recalled that Dr. James owns a piece of property that he pays taxes on, which is actually part of the Golf Course. He felt that this is another situation where City property has been taken over by a private individual.

Mayor Bain informed Mr. Shonberger that this matter would be discussed later in the meeting under Agenda Item 10G.

25 Deer Run

Yvonne Shonberger of 85 Deer Run referred to Agenda Item 10G. She does not want to lose the alleyway and she would like the alley to remain public land for the residents' use.

Miscellaneous

Helen Lawrence of 641 Nightingale Avenue stated that the residents were right in voting for three-stories only and objected to the Hotel Aladdin that has its roots in Communist Venezuela and everyone should stand tall for Godly principles.

Utility Billing

Dona Kelley of 830 Swan Avenue commented that Council should consider that there are more than Christians in Miami Springs. She said that the agenda title for the utility billing contract should include more information so that the residents are aware that the contract covers more than the water bill. Some people do not realize the sewer charge is directly dependent on the amount of water they use. There should be a constant reminder on the bills reminding the residents about water restrictions and ways to save water.

Recycling

Dona Kelley of 830 Swan Avenue stated that encouraging recycling should be a priority because it reduces the cost of hauling and disposal of solid waste. The Administration should designate a Staff member to maintain a constant campaign for participation in the recycling program.

Financial Statement

Dona Kelley of 830 Swan Avenue said that the Popular Financial Statement that was received with the last utility bill had very important information, but the coated paper that it was made of cannot be recycled, the same as many flyers from Council candidates.

Council Women

Dona Kelley said that despite the article in the Herald, the reason women do not run for Council is because the Council Chambers is too cold.

Golf Director

Dan Espino of 301 Hunting Lodge Drive thanked Golf Director Mike Aldridge for helping him with a charity gala for the League Against Cancer at the Country Club last weekend. He said that Mike Aldridge donated a certificate for a golf foursome to their auction, which accumulated \$2,215 for the League. He thanked Councilman Garcia for attending the event.

Golf Director

Ernie Aloma of 258 Pinecrest Drive echoed the praises for Golf Director Mike Aldridge for doing a great job and for being gracious and helpful to everyone.

Raccoons

Ernie Aloma asked if the City has a program to help the residents with the raccoons in their back yards. He said that he called Pesky Critters who trapped one and are in the process of trapping a second one.

Mayor Bain stated that the City currently does not assist the residents with trapping raccoons.

Crime Protection

Ernie Aloma stated that his home had been broken into and the last day of the Springs River Festival his house was shot at with an air rifle. He said that the lack of stop signs between Curtiss Parkway and Deer Run on Pinecrest Drive makes it very easy for traffic to take this route. He asked what would be the process for him to request the installation of stop signs.

City Manager Borgmann said that the City normally submits a request to the County and they determine if the installation of stop signs is justified.

Councilman Garcia suggested that a petition requesting the installation of the stop signs could be very helpful as he recalled a previous request when the Community Policing Office was involved and the residents signed a petition.

Councilman Dotson agreed that the situation on Pinecrest Drive had been a problem for years because people are using the street as a high-speed thoroughway during the morning and the evening. He said that stop signs would be one solution, and it could also be helpful to install signs enforcing a lower speed.

5. Approval of Council Minutes: (Approved with one motion)

5A) 04/09/2007 – Special Meeting

Minutes of the April 9, 2007 Special Meeting were approved as written.

Councilman Garcia moved to approve and Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

5B) 04/09/2007 – Regular Meeting

Minutes of the April 9, 2007 Regular Meeting were approved as written.

Councilman Garcia moved to approve and Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 04/05/2007 – Code Enforcement Board – Minutes

Minutes of the April 5, 2007 Code Enforcement Board meeting were received for information without comment.

6B) 04/10/2007 – Recreation Commission – Minutes

Minutes of the April 10, 2007 Recreation Commission meeting were received for information without comment.

6C) 04/11/2007 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the April 11, 2007 Golf and Country Club Advisory Board meeting was received for information without comment.

6D) 04/12/2007 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the April 12, 2007 Board of Parks and Parkways meeting was received for information without comment.

6E) 04/24/2007 – Ecology Board – Cancellation Notice

Cancellation Notice of the April 24, 2007 Ecology Board meeting was received for information without comment.

7. Public Hearings:

Council sat as the Board of Appeals at 7:21 p.m.

The Mayor reconvened the City Council meeting at 8:00 p.m.

8. Consent Agenda:

8A) Resolution – A Resolution of the City Council of the City of Miami Springs Approving and Authorizing the Execution by the City Manager of the New Proposed “Interlocal Agreement for Distribution, Use and Reporting of Charter County Transit System Surtax Proceeds Levied by Miami-Dade County” Required for the City to Receive its Proportionate Share of the Surtax Proceeds Derived from the Imposition of the County’s One-half of One Percent Transit System Surtax from Miami-Dade County; Effective Date

City Manager Borgmann read the title of the agenda item and explained that the County is requesting this change since the City is bound to these regulations to receive funds.

Councilman Dotson said that Section 7.12 delineates that the County Manager or his designee has the authority to distribute or withhold funds. He did not like the idea that this could be done arbitrarily or without cause.

City Manager Borgmann felt that if the City failed to provide the reports or documentation to show how the funds are being spent, the County would stop funding, but as long as the City complies it would not be an issue.

Mac Glasgow of 65 Palmetto Drive stated that he is an appointee to the Citizens’ Transportation Advisory Committee for the County and the committee members make sure that all funds are used for various traffic reasons. He is not worried that the funds would be arbitrarily withheld.

City Manager Borgmann explained that the County wants the cities to spend the funds for transportation purposes.

Councilman Dotson said that he is aware that 20% is set aside for local transportation and if the funds are not spent within a given year they revert back to a fund for distribution to others.

City Manager Borgmann explained that the original agreement included a provision that the funds would revert back if not spent, but the County recognized the fact that the smaller cities could not fund any projects in the first three years because the amount was so small. He said that 100% could be used toward the transit component or there could be other uses for improving roadways, sidewalks, etc.

To answer Councilman Dotson's question, City Manager Borgmann said that Staff would provide a report within the next 30-days and no funds that were set aside for the trolley system were lost.

City Attorney Seiden read the resolution by title.

Councilman Youngs moved to adopt the resolution and Councilman Garcia seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2007-3356).

9. Old Business:

9A) Confirmation of Dr. Mel P. Johnson's Appointment to the Ecology Board by Councilman Dotson (Group II) for an Unexpired Term Ending on April 30, 2008

Councilman Dotson (Group II) confirmed the appointment of Dr. Mel P. Johnson to the Ecology Board for an unexpired term ending on April 30, 2008.

9B) Review and Discussion of the Comprehensive Plan

9B1) Revised Draft of Proposed Amendments to the Future Land Use Element of the Miami Springs Comprehensive Plan

City Manager Borgmann stated that some changes in uses for the various districts were included for discussion.

City Planner Ventura said that the points of discussion at the last meeting were incorporated into the document and are underlined. Also, language was added to state that the former Comprehensive Land Use Plan category of Airport Highway and Marine Business District (AHMBD) is hereby abolished. He explained that the Airport Golf District includes mixed-use projects and mixed-use projects were subsequently added to the 36th Street District.

City Manager Borgmann clarified that mixed-use does not mean there is a residential component because it could be a hotel with retail shops.

City Planner Ventura said that development in the 36th Street District shall be permitted to utilize a floating floor area ratio (FAR) between 1.0 and 3.0 and the language “based on proximity to the adjacent residential area” was deleted. In the Abraham Tract District, adult-related business activity or use is now listed, which was formerly confined to the old B-2 zoning.

Mayor Bain clarified that the Constitutional provision allows 1% for adult-related business activity and the Abraham Tract is the preferred district for this use.

City Manager Borgmann stated that the determination of the approved FAR for any proposed project shall remain with the City Council and be directly dependent upon meeting certain criteria or incentive provisions to be set forth in the district boundary regulations established for the district. Special conditions can be set for the district and those regulations will dictate the size of the building.

City Attorney Seiden said that Council had indicated at the last meeting that they wanted to restrict residential development to the Airport Golf District. He explained that language would have to be added to provide for residential development within the Charter amendment limitations.

Councilman Dotson asked if the area along the Miami River from the Le Jeune Road Flyover toward the Aladdin Hotel would be part of the 36th Street District.

Attorney Seiden responded that Council would eventually determine the boundary for the district. He was surprised to see that the district extended toward the residential area and the question is whether or not Council wants to recede back and create another category like the Central or Neighborhood business district for that area.

Councilman Youngs said that an additional task when amending the Comprehensive Plan would be to remove the two parcels and include them with the multi-family residential designation.

City Attorney Seiden added that there are three properties to the west where the Eastern Financial Credit Union is located that must also be considered. Since he was not involved in the previous process, he does not know why they were included in the AHMBD, but there must have been some reasoning behind the decision.

Councilman Dotson stated that he would like the area along the Miami River to remain commercial, as well as the property by the Eastern Financial building.

City Manager Borgmann commented that the Aviation Department owns the parking lot by the Eastern Financial building and there are single family homes directly adjacent to the west on Ragan Drive.

Attorney Seiden stated that there was an individual Comprehensive Plan amendment for the land where the Eastern Financial building is located because it was not originally designated commercial. He felt that Council would eventually approve “step down” zoning to allow higher buildings along N. W. 36th Street and lower buildings behind.

Councilman Youngs stated that based on the district boundary regulations, Council would consider whether or not to carve out the two lots where the hotel and barbecue restaurant are located.

9B2) Process to Amend the Comprehensive Plan at Both Municipal and State Levels

Mayor Bain asked what would be the next step in the process and whether or not Council would have to wait for approval of the Evaluation and Appraisal Report.

City Planner Ventura read his letter and the response from the State of Florida Department of Community Affairs (DCA) regarding the process to amend the Comprehensive Plan. He said that the DCA does not advise a local government in attempting to proceed with proposed EAR based amendments.

Mayor Bain felt that the State misunderstood the question because they are not EAR based amendments and he would like to clarify this point and to find out if the process could continue at the next meeting.

City Planner Ventura responded that he would research the public notice requirements first in order to put together a time-frame.

City Attorney Seiden said that if everyone agrees with what was presented this evening, the City Planner could put together a final draft for the next meeting and contact the State and the FIU consultant to obtain an opinion as to the procedures in order to make sure the process is done correctly with an appropriate time line.

City Attorney Seiden explained that Council sits in dual capacity as City Council and the Local Planning Agency and there are required public hearings that are governed by Florida Statutes Chapter 163.

To answer Vice Mayor Best’s question, City Planner Ventura confirmed that a 3.0 FAR had been suggested for the Abraham Tract.

Councilman Dotson stated that it is important to move forward and he is in general agreement with the amendments. He would like to discuss the next steps in the process and begin discussion with the consultant about the plans for N. W. 36th Street.

City Attorney Seiden said that the consultant would provide assistance in the process. He advised that some of the district boundary regulations would have to be changed and the incentives and requirements for the floating FAR must be determined.

By consensus, Council agreed with the proposed amendments that the City Planner will put into final form for presentation and discussion at the next meeting.

(Agenda Items 10F and 10G were considered at this time)

9C) Discussion Regarding the City's Priorities and Goals

City Manager Borgmann stated that it would be appropriate to re-visit the list of goals and objectives that were prioritized at the June 27, 2006 Regular meeting in order to evaluate each one and to see if there are any new goals Council would like to add. He said that the first priority was turning over the water and sewer systems to the County, which is well into the process and the City is waiting for the County to come back with a solid proposal of the impact to the residents.

City Manager Borgmann stated that the second priority was the design and construction of a new Recreation Center and further discussion will take place this evening. The third priority was the finalization of the district boundary regulations for the Central Business District, which is complete, with the exception of the 36th Street Corridor.

City Manager Borgmann explained that the fourth priority listed was the review of the Airport, Highway and Marine Business District to determine if changes are needed and to prepare an amendment to the Comprehensive Plan if necessary. He said that Council determined that changes are needed and they will be following that procedure.

In regards to the fifth priority, the Architectural Review Board was constituted and will be meeting to review the Code and making recommendations to amend it to prevent undesirable construction, according to Mr. Borgmann.

The City Manager said that in regard to creating a five-year financial plan, which is the sixth priority, Finance Director William Alonso constantly keeps everyone aware of changes and provides reports on a regular basis and the five-year plan is discussed every year during budget time.

City Manager Borgmann explained that priority number seven was granting tax and fee exemptions to senior citizens and the correct legislation was passed to allow the extra \$25,000 exemption that will be effective for the next tax year.

Mr. Borgmann stated that the final priority was to develop and implement a marketing plan for the Golf Course and for the City as a whole. He felt that the Golf Course was addressed with the changes that were implemented, although there is no specific marketing plan, except for the brochures that are distributed to hotels and various locations throughout South Florida. The Beacon Council is encouraging the City to become more active with their organization, which will help to market the City.

City Manager Borgmann explained that when the goals are met, the City would have a new community recreation center, new businesses and development on 36th Street and these are amenities that could be marketed. He acknowledged that progress had been made and there is certainly more that should be done.

Councilman Youngs suggested formulating a Recreation Facilities and Programs Plan based on the needs assessment, even though the funds might not be available right away. The plan would set the goals and outline what facilities and programs are wanted and needed.

Mayor Bain stated that it is fine to find out what programs the residents want but they cannot be implemented without the facilities.

Councilman Youngs clarified that he is suggesting a list of goals as the end result of the needs assessment.

Vice Mayor Best asked the City Manager his feeling about how the County will respond to the takeover of the water and sewer systems.

City Manager Borgmann said that the County would probably agree to take over the system but certain costs would be involved and it must be determined whether or not it would be good for the residents. He explained that the County would total the costs to acquire the system and they would hold the residents of Miami Springs and the users in Virginia Gardens responsible by adding the cost to their base rate.

To answer Vice Mayor Best's question, City Manager Borgmann said that if the County agrees to acquire the system, it is unknown at this time if the residents would be paying more for water and there could be other considerations.

Councilman Dotson felt that marketing the City is underway with the Golf Course and the Curtiss Mansion would be another highlight once it is restored. The development of the Central Business District is important because it will increase the value of the surrounding properties.

Councilman Dotson suggested that Council could supplement the goals by working to amend the Comprehensive Plan to allow development on N. W. 36th Street, improve the City's image and still retain the character of the community.

Councilman Dotson was of the opinion that the top priority is making a decision about the gymnasium. He would like to see a couple of outdoor basketball courts at Stafford Park and improvements at the Senior Center and park facilities. He would also like to see new tee boxes at the Golf Course because it would be an improvement that would generate revenue.

Councilman Dotson added that plans should be made to acquire a location and funding for a new Police Station. He said that a new station is desperately needed with showers, lockers, and a place to workout, which all modern police departments have in order to attract and retain good police officers. He added that it would eliminate the need for the Community Policing Office to rent space and funds could be derived from grants, Law Enforcement Trust Funds, or other financing options. He would like to preserve the City's quality police force by providing a good working environment.

Councilman Garcia was of the opinion that the Golf Course needs a marketing plan in addition to the new changes and proposed ideas.

City Manager Borgmann said that the focus had been on increasing rounds and revenue through an internal process with the proper controls. The Golf and Country Club Advisory Board had concerns because no progress is being made with Junior Golf, which is certainly a priority. He acknowledged that the tee boxes and irrigation system are an issue as well as marketing, but that the goal was to get the operation on track for the first year.

Councilman Garcia reiterated that there must be a marketing plan for the Golf Course. He added that marketing the City would attract new businesses and it is important to consider a grant writer and Public Information Officer (PIO). He mentioned that the Town of Miami Lakes has a PIO that handles special events, marketing and coordinates with volunteer groups and residents. He felt that one person would be able to properly reach out to the residents to keep them informed.

To answer Councilman Garcia's question, City Manager Borgmann responded that he was in the process of hiring a person who would be a combination grant writer/PIO.

Mayor Bain said that he was contacted by someone about holding a 5K road race and walk for brain aneurism research on May 27th. He asked who would coordinate this project.

City Manager Borgmann stated that he would meet with the person first to learn the details and arrange a second meeting once it is determined if the services of the Police Department, Recreation Staff or Public Works are involved. He said that after all the determinations are made he would make a recommendation to Council.

Councilman Garcia emphasized that it should not be the City Manager's responsibility to coordinate events and it would be helpful to have another person on Staff.

City Manager Borgmann asked Council if there were any other items they would like to address or additional information needed on any projects that had been discussed during the past year.

Councilman Dotson said that the McMansion issue is still pending and he would like a conclusion that will be an improvement over the situation as it currently exists.

Councilman Youngs stated that Council must decide whether or not to change the existing Code as it relates to the McMansion issue in regard to additional setbacks or lot coverage provisions.

Vice Mayor Best felt that Council had spent so much time on the McMansion issue that it deserves to be concluded in some fashion.

9D) Discussion Points for Consideration of New Community Center/Gymnasium

City Manager Borgmann stated that per Council's request, he contacted a structural engineer and rather than give his opinion, he submitted a price list for three phases.

City Manager Borgmann said that Phase I would provide an answer as to whether or not the building as it exists would meet today's Florida Building Code. If the structural analysis indicates that the frame as represented on the construction drawings has the capacity to meet today's building code requirements, then additional evaluation will have to be performed based upon field inspections, foundation configuration and other structural components, which is Phase II.

The City Manager explained that Phase III would involve preparation of a scope of work to modify the existing building for new Building Code requirements including an engineering estimate for such modifications.

City Manager Borgmann stated that the cost of Phase I would be within his spending authority and if Council were to waive the purchasing process, he would go with this firm. If Council wants him to go out to bid it would not be fair to reveal this firm's price quotes.

Councilman Dotson said that the letter he received named structural engineers with very good credentials and he has a proposal from one engineer who has the benefit of the digitized information on the gymnasium, which he will provide to the City Manager for his review.

City Manager Borgmann felt that in light of the new information that the work should go through the formal purchasing process and Councilman Dotson agreed.

Mayor Bain stated that the City has the documents from Post Buckley and there might be new technology for removal of the paint or asbestos. He felt that it is up to Council whether or not to rely on Post Buckley's opinion, but going out to bid will only delay the process.

Councilman Youngs asked Councilman Dotson if he is in favor of putting the engineering study out to bid because there might be other firms that are more reliable.

Councilman Dotson responded that it is important to define what the City is looking for, what should be checked and what information is needed. He said that this particular engineer is spotlighting the pilings and the foundation indicating that there might be some strengthening that would be needed in order to meet today's codes.

Mayor Bain asked if the direction from Council is for the City Manager to send out a Request for Proposals (RFP).

Vice Mayor Best felt that it would be beneficial to proceed with Phase I and Councilman Garcia agreed.

City Manager Borgmann said that Phase I would reveal what is needed structurally for a small cost.

Councilman Youngs stated that meeting the current Code is one consideration and the another is what category of hurricane force winds the structure would withstand.

City Manager Borgmann said that the requirements for meeting general codes would be different from the requirements in order to withstand a category five storm because of the strength of the concrete and how the building is constructed. The frame might not be able to support a category four or five building.

Councilman Youngs felt that the consensus is that the building should be a hurricane shelter and it would help to know what level is feasible.

City Manager Borgmann said that Phase I will indicate if the building is currently designed to support new panels and whether or not the roof is of the right pitch to meet current codes for wind load and wind lift.

Councilman Dotson stated that Mr. Pistorino only submitted Exhibit "A" with three brief statements. He was of the opinion that beginning Phase I with a given engineer would be a commitment to do all the phases with that engineer.

Councilman Youngs stated that he would be willing to request proposals, but it would slow down the process and Councilman Garcia suggested that the City Manager could be given direction to go ahead with Phase I.

City Manager Borgmann said that when considering the placement of new panels, he never took into account the current code for wind load and whether or not the building could be brought up to code, including electric, plumbing, etc.

Vice Mayor Best felt that it would make sense to review Phase I and whoever is awarded that phase would probably end up finishing Phase II and III.

Councilman Garcia would like to give the City Manager the option of looking at the information he received tonight and make a decision. He does not want to go through the bid process if the work is under \$10,000.

Vice Mayor Best agreed with Councilman Garcia to authorize the City Manager to move forward and select an engineer for Phase I.

Councilman Dotson said that any engineer who is trying to protect his license would not give bad information. He is concerned about the completeness of the analysis and that is why he likes the detailed analysis better than the abbreviated version. It would be okay for the City Manager to proceed with Phase I, based on his choice of engineers, as long as there is good information to build a cost analysis for various options.

By consensus, Council **authorized** the City Manager to proceed with the structural analysis of the existing gym.

The City Manager asked if there were any questions about the proposed drawings for a new facility that were included in the backup information. He said that it is important to remember that the proposal is 50% larger because it includes an additional basketball or multi-purpose court.

Mayor Bain stated that he would like to defer discussion about the proposal for a new facility until Council has the information from the structural analysis.

9E) Recreation Needs Assessment Survey Update

City Manager Borgmann reported that on May 8th and May 9th, Ananda Mitra would conduct focus group interviews with various groups around the City, including the Recreation Staff, Recreation Committee members, civic groups, seniors, young kids and teenagers. The purpose of the focus groups is to begin to understand the basic needs and desires of the community, and then formulate the questionnaire to be mailed out to the residents.

Councilman Dotson stated that he would like to include the Golf and Country Club Advisory Board in the group interviews to discuss youth and ladies golf programs.

Vice Mayor Best would like to include the Lions and Optimist Clubs and Councilman Garcia suggested including the Disability Advisory Board.

Councilman Youngs requested samples of the questions used before by the consultant in Key Biscayne before Council submits their own questions.

9F) Prince Field Tot-Lot Sun-screening Project Update

Helen Lawrence of 641 Nightingale said that she received information about free trees and planting for the elderly and disabled. She felt that tree planting could be the answer to shade for the Tot-Lot.

City Manager Borgmann stated that trees are important for providing shade and an interim step would be to install screens to provide instant shade.

Assistant City Manager Ron Gorland said that the Administration is in the process of doing a Request for Proposals (RFP) because there are many different shade alternatives for various prices and the design-build process could perhaps be the best approach. He explained that an architectural survey is almost completed and firms were identified who performed work in surrounding communities.

Assistant City Manager Gorland stated that the custom designed umbrellas installed last summer to provide shade over the benches cost \$23,000. He added that the wind load factor is another consideration and the main concern is safety so that the kids cannot climb on the structures. Mr. Gorland said that the Public Works Department is looking into the possibility of relocating large donated trees. He added that estimates are being obtained for a 14-foot high fence to go around the Tot-Lot to keep out the older kids and the recommendation will be submitted at the May 28th meeting.

9G) Building Department Upgrading; Building Permits Extensions and Renewals

Assistant City Manager Gorland stated that Council requested a report on the steps taken to upgrade the Building Department and new measures put into effect. He summarized the following actions:

1. Hiring a respected part-time building official.
2. Building Department Director position assigned to Assistant City Manager.
3. Administrative staffing changes.
4. Addition of Building Supervisor position.
5. Training of three new Administrative personnel and Building Supervisor.
6. Retention of Code Compliance Officer Taveras to backup the Administrative personnel.
7. Implementation of additional permitting sign-off by the City Planner and Planning and Zoning Director on all submitted plans.
8. Requirement for "as-built" surveys by the inclusion of specific wording on all permitted plans.
9. Changes and additional inspectors to better handle workload variations, vacations, illness, etc.
10. Active and ongoing coordination between the Building Department Director, Building Official, Planning and Zoning Director, Building Supervisor and Administrative staff.
11. Consideration of evening and weekend inspections.

Assistant City Manager Gorland answered Councilman Dotson's question regarding the Building Supervisor's responsibilities and his supervision over the Code Compliance Officers and the Administrative staff.

Councilman Dotson asked about the additional sign-off by the City Planner on all Building plans before permits are granted and Assistant City Manager Gorland responded that the City Planner's review is an additional step that provides another back-up and should provide a better product.

City Manager Borgmann explained that setbacks are approved on plans and if they are found to be different when the structure is built, this is out of the City Planner's control. The Administration is becoming more aware that there cannot be any more of these mistakes.

Assistant City Manager Gorland stated that permitted plans will include the following wording: *"After pouring the footing and prior to further construction, a plat of the survey, prepared by a registered land surveyor of the state, shall be supplied to the building inspector for all main buildings, indicating the exact location of the building on the lot or building site."*

City Manager Borgmann recommended changing the wording to read *"Prior to pouring the footing."* and Attorney Seiden stated that the wording *"After pouring"* is correct because it is protection for the City.

Councilman Dotson said that the building official has the authority to do something about buildings that remain unfinished for an indefinite period of time.

City Attorney Seiden explained that the building official is given a lot of discretion in this area, but most cases end up in front of the Miami-Dade County Board of Rules and Appeals and generally they will not take away construction unless it is proved to be unsafe.

Discussion ensued regarding action that can be taken in situations when there is unfinished construction.

Councilman Dotson said that he received complaints about construction that had been unfinished for more than two years, which affects the neighbors' quality of life.

City Manager Borgmann explained that the Administration is looking into that particular case because there were questions raised as to whether or not the structure was properly constructed and the Building Official had been talking with the homeowner.

Mayor Bain stated that the City officials are handling the matter the best they can and Council should be kept abreast of what transpires.

City Attorney Seiden suggested that the Building Official could provide a report tracking the building permit in this case and how many extensions were granted.

9H) Council Meeting Decorum Policy

The item was **tabled** at the Mayor's request.

9I) Approval of Plaque for Former Recreation Director Ray Stoltz at the Gym

Mayor Bain stated that even though Ray Stoltz was a former Recreation Director he made contributions as a citizen. He requested approval of the placement of a memorial plaque on the gymnasium.

Vice Mayor Best moved to approve and Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

9J) Appointment to the Historic Preservation Board by Councilman Garcia (Group III) to Fill an Unexpired Term Ending on February 28, 2009 Created by 3 Absences of Michael Windrem

Councilman Garcia **appointed** Michael Windrem.

10. New Business:

10A) Confirmation of Re-appointment of Daniel Espino to the Board of Adjustment/Zoning and Planning Board by Councilman Dotson (Group II) for a Full 3-year Term Ending on April 30, 2010

Councilman Dotson (Group II) **confirmed the re-appointment** of Daniel Espino to the Board of Adjustment/Zoning and Planning Board.

10B) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Creating New Code of Ordinance Section 95-06, Rules and Regulations for Parks and Recreational Facilities; Providing Intent; Establishing Rules and Regulations Adoption Procedure; Delineating Future Actions by Resolution; Directing Notification of Rules and Regulations; Providing for Enforcement; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this ordinance is similar to the previously adopted ordinance in regard to hours of operation and the basic intent is to allow the enforcement of the specified rules by Code, Recreation and Police Staff. He explained that the ordinance is a skeleton that enables legislation showing how the rules and regulations will be adopted by the City in the future.

Attorney Seiden said that the ordinance authorizes the Administration, after consultation with the Recreation Staff, to set forth rules and regulations for the parks and recreation facilities as an attachment to a resolution that will be approved and can later be changed by Council without having to go through the formality of amending the ordinance.

Vice Mayor Best moved to approve and Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Second Amendment to the Fiscal Year 2006-2007 General Fund and Special Revenue Funds Budget; Providing for an Increase in the Recreation Department Budget Within the General Fund; Authorizing Funding for the Current Year’s Hurricane Special Revenue Fund Budget; Creating and Authorizing Funding for a Grants Special Revenue Fund Budget; Providing for an Increase in the Law Enforcement Special Revenue Trust Fund Budget; Finding the Appropriateness of the Budgetary Amendments Set Forth Herein; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Councilman Garcia moved to adopt the resolution and Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2007-3357).

Vice Mayor Best moved to extend the meeting until 11:15 p.m. and Councilman Garcia seconded the motion, which carried unanimously on voice vote.

10D) Approval of Budget Transfers Within Departments According to Section 9.04 (1) of the City Charter

To answer Vice Mayor Best’s question, City Manager Borgmann said that the transfers to cover education and training was for attendance to the EOC seminar.

Councilman Garcia moved to approve and Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

10E) Recommendation that Council Award Bid # 07-06/07 to Severn Trent Avatar, the Lowest Responsible Bidder, in an Amount not to Exceed \$42,000, for the Electronic Mailing of the City's Utility Bills, Pursuant to Section 31.11 (E) (1) of the City Code

City Manager Borgmann read the title of the bid award to Severn Trent Avatar, in an amount not to exceed \$42,000. He said that only two qualified bids were received, the services of Trent Avatar have been satisfactory for several years and the Administration recommends approval.

Councilman Garcia moved to approve and Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

10F) Approval of Site Plan – Antonio Davila/Construye, LLC, 29 Palmetto Drive, Zoning: Central Business District (CBD) – Total Lot Size: 12,500 Square Feet

City Planner Ventura stated that Zoning and Planning Board Case # 05-ZP-06 is a request for approval of a proposed site plan for a mixed-use project at 29 Palmetto Drive by Antonio Davila/Construye, LLC.

City Planner Ventura said that the building site is 12,500 square feet or .287 acres. The proposal is for two upper floors consisting of 3,382 square feet of business/commercial and 7,664 square feet of residential, consisting of 4 three-bedroom units. The ground floor is to be utilized for off-street parking.

The proposed site plan received a recommendation of unanimous approval at the April 2, 2007 Zoning and Planning Board meeting, subject to the lighting/photometric sheet being approved by Post, Buckley, according to the City Planner. He said that Staff reviewed the revised proposal and is satisfied that the Applicants have addressed the comments made at the December 4, 2006 and April 2, 2007 Zoning and Planning Board meetings. Staff has also concluded that the floor area ratio (FAR) meets all other requirements with reference to the ratio between business and residential, minimum setbacks, maximum height, parking, etc.

Mac Glasgow of 65 Palmetto Drive said that his family purchased their home based on the fact that the property had protection against any zoning proposals that would change the use. In 1977, the zoning was changed so that there was no longer any control for the twenty-five feet at the south end of the block. He was out of town at that time and was not aware of the change for the Central Business District.

Reynaldo Castellanos, representing Antonio and Mario Davila, explained that various points raised by Mr. Glasgow were addressed at the Zoning and Planning Board hearing and it was made clear that the project is being constructed within the limitations imposed by the Zoning Code.

Mr. Castellanos stated that when considering a business opportunity the applicant searched the City for a property that would meet their needs, there are no variances involved and they worked closely with the City Planner and the engineers to meet every aspect of the Code requirements. The plan is very attractive and the four commercial units face the SunTrust Bank on Palmetto Drive.

City Attorney Seiden stated that the Zoning and Planning Board acts as the reviewing agency, they reviewed the site plan that was sent to the City engineers for their review and it was found in compliance. Council's action is virtually a ministerial act, unless they find some detail in the site plan that they feel was overlooked in the process.

To answer Councilman Youngs' question, Mr. Castellanos stated that the four units are 1,916 square feet each.

Antonio Davila of 1031 Redbird explained that the price for the 3-bedroom, 2-1/2 bath units would range from \$450,000 to \$500,000. The four office condos would be 700 square feet each and they will be regulated by a condominium association that will ensure the upkeep of the property.

Further discussion ensued regarding the utility meters and it was determined that each unit would have its own meter.

To answer Councilman Dotson's question about the landscaping and buffer between the proposed building and the residential district, Mr. Davila explained that 30 shrubs are required and there are a total of 163 plantings.

Councilman Garcia moved to approve and Councilman Youngs seconded the motion which was carried 5-0 on roll call vote.

Mayor Bain suggested that a policy should be established by ordinance in regard to individual water meters for new apartment or condominium buildings.

10G) Consideration of Request by Mr. Alex Andreu, Homeowner of 25 Deer Run, to Install Gates at the Northwest and Southeast Corners of a Vacant Lot to the Northeast of 25 Deer Run Across a Dedicated 16 Ft. Alley

Martha Kelley of 1 Deer Run referred to a petition with 23 signatures from residents who are concerned about the closure of the alleyway behind 25 Deer Run. She strongly opposes the closing of the alley for Mr. Andreu's personal use because he was aware of the restrictions when he bought the properties. She added that it would set a dangerous precedent of allowing private use of a public thoroughfare and create a possible life-threatening situation should an emergency vehicle not realize that the alley is impassable.

Ms. Kelley felt that closing the alley would rob the affected residents of their right of unobstructed ingress and egress from their properties and create problems with storm clean-up and repairs, and garbage pick-up. She was appalled that the item was placed on the agenda without notifying the homeowners, which shows a lack of consideration to the residents.

Martha Kelley read a prepared statement from Hernando Escudero of 461 South Esplanade expressing his opposition to Mr. Andreu's request to close the alley.

Erasmus Labaut of 467 South Esplanade stated that he signed Mr. Andreu's petition and would like his name stricken off the petition for the record.

Councilman Garcia asked if there was some procedure that was not followed as stated by the residents.

Attorney Seiden stated that his legal opinion specifies that the request has to go to the Zoning and Planning Board and then come back to Council and at all those stages the citizens would have certainly been notified. He said that this matter was placed on the agenda because the process is quite expensive and time consuming and the City Planner felt that before the property owner incurs those expenses he wanted to get a feeling from Council as to whether or not this is something they would entertain.

Attorney Seiden explained that if Council feels that the request is not in the best interest of the City, instead of allowing the owner to spend money on surveys, utility relocations, etc., he would be given the information at this early stage.

Mayor Bain asked why this person is being treated different from anyone else that wants to pursue a similar request and why it came to Council first instead of the Zoning and Planning Board.

City Manager Borgmann said that throughout the process there was no form of support by Staff, including himself, the City Planner, City Attorney or Public Works Director and no encouragement was given to Mr. Andreu to continue the process. He explained that Mr. Andreu wanted to proceed even though he was told there would be little support for the recommendation.

Councilman Dotson stated that in view of the opinion from the City Attorney dated January 22, 2007, and the fact that the Administration is opposed, it makes no sense how this request was placed on the agenda. He said that there are procedures to follow and people were not informed by notice.

Councilman Dotson explained that his neighbors had questions and it was difficult to hear about this request knowing that no notices had been sent to him or his neighbors and none of the proper procedures were followed. The request seemed to be artificially inserted into the agenda with no support from Staff and now Council is being asked to make a judgment without facts.

Mayor Bain said that with all due respect, there is no documentation from Staff showing that they are against Mr. Andreu's request. He explained that it is disconcerting to try to make a decision.

Vice Mayor Best stated that when he first read the agenda packet his feelings mirrored the City Attorney's opinion, which he did not have at that time. He said that the alley is public property and Council has no right to give up public property. He felt that the request totally lacks legal sufficiency and it is ludicrous for Council to be discussing the matter.

Councilman Youngs explained that Council has the right to give up public property, which was approved for the other end of Pinecrest within the last two years and there is a procedure to follow. In this case, the procedure was not followed and the matter is not properly before Council for any formal decision. He understands the motivation is for Mr. Andreu to get an advisory sense from Council as to whether or not they would approve the request.

Councilman Youngs said that he is sympathetic with the idea to save a resident of Miami Springs the trouble of doing something if Council is not inclined to support the request. He stated that from his own standpoint, he is never inclined to vacate City property, easements or rights-of way.

Councilman Garcia asked if Mr. Andreu would be allowed to speak to each Council member on his own to gauge how they feel about this matter before the process begins.

City Attorney Seiden stated that in accordance with an opinion that he wrote a long time ago, Mr. Andreu is prohibited from contacting Council members on his own. He said that the City Planner had good intentions by giving courtesy to the citizen and trying to save the City the time and expense of notifying everyone.

Attorney Seiden suggested that there could have been a cover memo explaining how and why the matter was placed on the agenda, and failing this he understands the confusion.

Alex Andreu of 25 Deer Run stated that he purchased his home including the vacant lot directly behind his property. He explained that his neighbors were glad he was taking ownership of the vacant lot because it would prevent some of the problems with loitering and illegal behavior. He noticed an extensive amount of traffic driving through the alley at a high speed and he is concerned about the safety of his children when they go to and from the two properties.

Mr. Andreu said that Manuel Perez-Vichot is his long-time friend that introduced him to City Planner Ventura and the process began to vacate the alley. He followed the same procedures as previous requests to vacate an alley and received no objections from BellSouth, the Fire Department, or utility departments, with the stipulation that the alley remains accessible. Mr. Andreu said that he simply wanted to place a gate to divert the traffic around the north side of the alley to prevent the traffic flow. He assured Council that there was no intent to avoid protocol or receive special attention.

Mr. Andreu stated that he owns the vacant lot and many people use it as public property so he wanted to find a way to prevent the traffic and loitering.

To answer Attorney Seiden's question, Mr. Andreu said that he purchased the triangular piece of property from a private individual.

Mayor Bain informed Mr. Andreu that he would have to go through the normal procedures to pursue his request.

Councilman Garcia suggested that Mr. Andreu could fence in the property to prevent trespassing.

(Mayor Bain called for a 5-minute recess at 9:30 p.m.)

10H) Recommendation that Council Approve Purchase of at Least One Thor Guard Lightning Predictor and Warning System

Assistant City Manager Gorland stated that this is a recommendation to purchase a model L75R Thor Guard Lightning Predictor and warning system covering the Recreation Center, pool, Peavy-Dove and tennis courts for a cost of \$20,474.00, which includes \$649.00 for the first year of annual maintenance. Thor Guard is located in Sunrise, Florida and is a sole source provider and funds are available in the Parks and Recreation because the costs to repair the fence and gym roof were less than anticipated.

City Manager Borgmann mentioned that costs were obtained for the Golf Course and Stafford Park as additions that can be budgeted for the upcoming fiscal year.

Councilman Dotson inquired about the location of the lightning predictors.

Assistant City Manager Gorland stated that the primary station will be located at the Recreation Center with the antenna and sensor on the roof and a computer inside the building that compiles the information. There will be a horn and strobe on top of the Recreation Center that transmits up to one mile with remotes placed at the fields.

To answer Vice Mayor Best's question, Mr. Gorland said that Stafford Park would be a separate free standing system for approximately \$9,000 because it could not be tied into the golf course due to the distance and power lines.

Assistant City Manager Gorland stated that Virginia Gardens Mayor Spencer Deno took part in the process and was able to obtain an additional 10% reduction for the City.

The only downside to the system is that the neighbors will have to get accustomed to the initial horn blast, according to Mr. Gorland. The system has been proven and used extensively all over the world.

Mayor Bain suggested that there might be a less expensive alternative for detecting lightning at the Golf Course.

City Manager Borgmann said that the lightning predictor measures static electricity in the air that creates a favorable environment for lightning to develop.

Vice Mayor Best applauded the Administration for presenting the recommendation for the lightning predictor that is widely used throughout the State.

To answer Councilman Dotson's question, Assistant City Manager Gorland stated that the equipment would be protected from vandalism because the sensor is placed on top of the facility or very high on a light pole. The hours of operation can be controlled to prevent the horn from going off in the middle of the night.

Councilman Garcia moved to approve the purchase of the lightning predictor and warning system for the Recreation Center in the amount of \$20,464 and for Stafford Park in the amount of \$9,239. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

10I) Consideration of Partnering with Virginia Gardens to Repave Lafayette Drive

This item was **tabled** at Mayor Bain's request.

10J) Appointment to the Board of Adjustment/Zoning and Planning Board by Councilman Garcia (Group III) for a Full 3-Year Term Ending on April 30, 2010 (Ariana Fajardo)

Councilman Garcia **appointed** Ariana Fajardo.

10K) Appointment to the Code Review Board by Councilman Garcia (Group III) for a Full 3-Year Term Ending on April 30, 2010 (Daniel Dorrego)

Councilman Garcia **appointed** Daniel Dorrego.

10L) Appointment to the Ecology Board by Councilman Garcia (Group III) for a Full 3-Year Term Ending on April 30, 2010 (Emily Chavarriaga)

Councilman Garcia **appointed** Emily Chavarriaga.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Stormwater Funding

City Manager Borgmann reported that South Florida Water Management notified the City that there is another \$150,000 available for stormwater projects.

Park Restrooms

City Manager Borgmann stated that there is an issue with DERM that is holding up the construction regarding the capacity of the restrooms but he will respond in writing that this is not new construction, only a replacement of existing restrooms that will not affect the capacity.

Gymnasium Roof

City Manager Borgmann reported that the roof replacement of the gym began last week and should be completed by Friday, April 27th.

Summer Programs

City Manager Borgmann announced that registration for the Summer Program was successful and all three age groups are full.

Circle Construction

City Manager Borgmann said that the Starbucks Coffee sign is up and renovations are taking place at 1 Westward Drive.

Tax Legislation

City Manager Borgmann reported that the House and Senate have passed separate tax bills and the issue will now go to a committee and there is a possibility of a special session.

New Legislation

City Manager Borgmann reported that the Building Inspector met with a group of other County inspectors to discuss legislation that could be very harmful to the cities because the Legislature is trying to impose restrictions on trade inspectors who work for cities to prevent them from conducting a private business. The City has a rule that anyone who is employed as an inspector cannot conduct private business within the City of Miami Springs. He encouraged Council to contract the City's legislative representatives to make sure they understand the impact the legislation they are considering could have on small cities.

Springs River Festival

City Manager Borgmann announced that the festival went very smooth for the City, although Sunday was affected by the rain and tornado threat. The Police and Public Works Department employees were happy that the event was easy to manage.

Golf Course Operation

City Manager Borgmann reported that the Golf Course revenue exceeded \$9,000 last Sunday.

Arbor Day

City Manager Borgmann stated that two trees were planted on the corner of Crane and Royal Poinciana Boulevard next to the City entrance sign, and that only Vice Mayor Best attended the Arbor Day celebration because Councilman Dotson was ill, Councilman Garcia and Vice Mayor Best were in Tallahassee and the Mayor had a business appointment.

Water and Sewer System

City Manager Borgmann stated that nothing formal was received from the Miami-Dade Water and Sewer Department (WASA) as to how they will handle the financing of the City's utility revenue bond.

12C) City Council

Dade Days

Councilman Youngs stated that he and Councilman Garcia attended Dade Days in Tallahassee to support the City's legislative requests. He said that the legislature is preoccupied with the tax issue. They met a lot of people and the City might still be eligible for funding for the Curtiss Mansion, although it is not an encouraging year for projects.

Dade Days

Councilman Garcia commented that it was nice to meet with other elected officials, but it was a disappointment to see that Miami Springs was not earmarked to receive funding for any proposed projects. He will meet with the City Manager to explain the details.

Councilman Garcia stressed that the City must be actively involved with the representatives constantly, not just during the Legislative session, and serious consideration should be given to hiring a lobbyist because it is difficult for the elected officials to show up at Dade Days and expect to receive funding. He suggested checking with other cities to find out if they have lobbyists and if they feel it is valuable or not.

Councilman Garcia moved to extend the meeting for fifteen minutes until 11:30 p.m. and Councilman Youngs seconded the motion, which carried 4-1 on voice vote with Mayor Bain voting "no".

Councilman Youngs was of the opinion that participating in Dade Days is economical because the \$750.00 fee includes the Charter plane, hotel and various events. He explained that three years ago the City was able to receive \$400,000 through this process. He stressed that the City needs to work in advance and make plans during the budget process.

Recycling Bins

Councilman Garcia stated that has heard from residents who would like recycling bins next to the trash cans on the Golf Course in order to help with the recycling effort.

Emergency Management Seminar

Councilman Garcia reported that he participated in an Emergency Management meeting sponsored by the City of Hialeah. He said that the elected officials are trained as to what their role is in emergency situations.

Earth Day

Councilman Garcia announced that Earth Day will be celebrated on Sunday and Miami Springs Elementary will hold a tree planting ceremony on Monday, April 30th.

Sanitation Issues

Vice Mayor Best stated that there were a couple of references about recycling. He had lunch with the City Attorney to discuss some issues he is researching but he is not in a position to discuss them at this time. He knows there are sanitation issues coming up during the budget process and there might be a way to deal with the recycling issue.

Dade Days

Vice Mayor Best thanked Councilman Garcia and Councilman Youngs for taking time to go to Dade Days in Tallahassee. He is sure that they met with a lot of people and came back with good ideas.

Pelican Playhouse

Vice Mayor Best announced that the next production of the Pelican Playhouse is scheduled for 7:30 p.m. on Friday, May 4th and Saturday, May 5th and 2:00 p.m. on Sunday, May 6th. The schedule will repeat the following weekend of May 11th through May 13th.

Downtown Parking

Mayor Bain stated that with the new construction at the Circle, it would be an appropriate time to consider a plan for the City parking lot with funds that were allocated in the budget. He would like the City Manager to get proposals for 36 spaces on Curtiss Parkway to help the parking situation.

Councilman Garcia would like to consider additional recommendations or ideas for parking in addition to the 36 spaces because the Harvest Moon customers already take up much of the parking on Curtiss Parkway.

Mayor Bain mentioned that there are other options that were never pursued, including issuing decals to the business employees who could park along the canal.

Councilman Garcia moved to extend the meeting fifteen minutes and Vice Mayor Best seconded the motion, which carried 5-0 on voice vote.

Virginia Tech Tragedy

Mayor Bain said that as a father of three children he cannot fathom what went on at Virginia Tech. His heart goes out to the families.

Traffic Accident

Mayor Bain stated that employees from Milam's Market were involved in a tragic accident. Sometimes one loses site of what is important in this crazy world. His heart and prayers go out to anyone who has gone through these difficult times.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:33 p.m.

Billy Bain
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

Approved as _____ during meeting of: ____

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.